

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

HOWLAND 3 INVESTMENTS, LLC,
EAST STREET AUTO WASH, INC., and
JEFF McCARTY,

Plaintiffs,

v.

HERITAGE COAL COMPANY, LLC,

Defendant.

Case No. 09-cv-451-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the above-captioned parties' Stipulation of Dismissal (Doc. 59) with prejudice.

Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows for dismissal without a court order by filing such a stipulation. Accordingly, the Court acknowledges that the case is at an end and **DIRECTS** the Clerk of Court to close the file accordingly.

IT IS SO ORDERED.

DATED: September 23, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE